

## Skilled in the Art With Scott Graham: How a Third-Year Associate Pulled Off a Winning Summary Judgment Argument for Meta Platforms

**Latham & Watkins associate Tiffany Weston had just 24 hours to hop on a plane, fly coast to coast, and make her first argument in a federal courtroom. A week later Meta Platforms was out of the case.**

By Scott Graham

### What You Need to Know

- Judge William Alsup has long been a champion of giving young associates a chance to argue motions.
- Latham & Watkins traveled across the country on 24 hours' notice to take advantage of a recent opportunity.
- Meta Platforms Associate GC for IP Nikki Vo said Weston hit it out of the park.

### Latham Associate's 'Surreal' First Argument Is a Win

San Francisco U.S. District Judge William Alsup put out a brief order on Wednesday, Oct. 12 in *MasterObjects v. Meta Platforms*. A summary judgment hearing scheduled the following day "would be a suitable opportunity for young attorneys with five or fewer years of experience to argue for both sides."

Meta and its Latham & Watkins team had a perfect candidate: Third-

year associate **Tiffany Weston**, who was set to examine an expert witness at the upcoming trial.

There was one problem: Weston works out of Latham's Washington D.C. office, and had just returned to her home in Virginia that morning following a Latham training session in Austin. The lead partner on the case, Silicon Valley-based **Doug Lumish**, got her on the phone and asked two questions: Can you get back to the airport in time? And, if so, do you want to do it?

The answer to both questions was yes.

At 8 a.m. the next morning Weston was standing up before Alsup for her first argument in federal court. "Meta brings this motion for summary judgment of non-infringement because MasterObjects has failed to show or failed to prove that Meta's TypeAhead system infringes the asynchronous limitation," she told Alsup.

A week later Alsup issued his ruling: Summary judgment granted. Meta was out of the case.



Latham & Watkins associate Tiffany Weston.  
Courtesy Photo

"It was surreal, really," Weston said this week. "I think the stars just aligned for me."

Weston is a former patent examiner who earned her law degree taking evening classes at Georgetown. At Latham she's practiced patent litigation in district courts and at the Patent Trial and Appeal Board. She's been part of Meta's team on the *MasterObjects* case since shortly after the complaint was filed in 2020, originally in Texas.

After the phone call from Lumish she booked her flight and re-read the summary judgment briefing, plus the claim construction briefing from two years ago in Texas. She got

back on the phone with Lumish and Latham counsel **Joseph Lee** and went through the slide deck that the team had prepared for the hearing. “I took the slide deck with me on the plane,” Weston said with a chuckle.

MasterObjects was asserting four patents related to auto-complete technology for digital searches. The patents claim a server that “asynchronously” receives and responds to query messages from the client. U.S. District Judge Alan Albright had construed “asynchronously” as meaning that “each side of the communication is free to communicate without waiting for the other side.”

According to a transcript of the Oct. 13 hearing, Weston told Alsup that Meta’s accused TypeAhead server “never sends any information or is free to communicate without waiting for a request from the client,” and therefore does not infringe the patents.

Of course, Alsup had plenty of questions. Suppose he doesn’t construe the claims the same way Albright did?

“This is a construction that MasterObjects asked for and the court adopted,” Weston said.

“Back in Texas this happened?” Alsup asked.

“Yes, that’s correct,” she assured him.

“In this very case?” Alsup asked.

“Yes, that’s correct,” she said.

“What is the best thing in the pat-

ent specification that supports your side?” Alsup asked.

Weston went to the slide deck, pointing out language in the specification, including a specific embodiment, that describes push notifications from server to client without a client request.

Hosie Rice’s Darrell Atkinson argued for MasterObjects that asynchronous means that after the client has initiated communication, the server and client can “speak over one another.”

He also accused Meta of taking a new position that contradicted its Texas claim construction briefs. On rebuttal Weston quoted directly from places in the Texas briefs that she said showed Meta has been consistent.

“That’s a pretty good statement for you,” Alsup acknowledged at one point.

At the close of the 53-minute hearing Alsup asked Weston one last question: “You flew all the way out here from Washington?”

“Yes, your honor,” Weston said.

“You did a great job,” Alsup said. He also complimented Atkinson.

Weston said the Oct. 11 training she’d participated in in Austin came in handy. Associates got to present mock arguments and Latham partners and counsels gave them feedback.

“The one thing I took away from the training was answer the judge’s questions directly,” Weston said. “You know, don’t waffle on your answers. Be straightforward.”



**Judge William Alsup.**  
(Photo: Jason Doiy/ALM)

Photo: Mjgraphics/Shutterstock

As for MasterObjects’ flip-flopping accusation, “We kind of figured this was going to come up” based on the summary judgment briefing, Weston said. “But we briefed this two years ago, all in writing. We have always been consistent on what we thought the construction meant.”

Meta’s director and associate general counsel for IP litigation, **Nikki Vo**, said Weston “hit it out of the park.”

“Over the past two years, we have worked closely with Tiffany on this and other matters,” Vo said. “She has earned our trust with her excellent work, so we knew she would do a great job here.”

Weston said she was grateful to Meta and to Latham for the opportunity. “Because it was my first argument I wasn’t sure what to expect,” she said. “But then after it was over I thought, that wasn’t as bad as I thought it could be.”